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April 16, 2021

**VIA ECF**

Honorable Philip M. Halpern  
United States District Judge  
Southern District of New York  
300 Quarropas Street,  
White Plains, New York 10601

Application granted. Deadline to complete discovery extended to 6/28/2021. Status letter due 4/23/2021. The Clerk of Court is respectfully requested to terminate the letter-motions (Docs. 147, 148).

SO ORDERED.

Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
April 19, 2021

Re: *Kelly v. The City of Mount Vernon, et al.*  
Civil Action No. 7:19-cv-11369 (PMH)

Dear Judge Halpern:

This firm represents Defendant Richard Thomas, former Mayor for the City of Mount Vernon ("City"), in the above-captioned action. On behalf of all parties, we write pursuant to Rule 1(C) of the Court's Individual Practices in Civil Cases to respectfully request an extension of discovery from April 26 to June 28, 2021. This is the parties' third request to extend the discovery deadline. The parties' prior requests were granted on December 17, 2020 and February 22, 2021, respectively. See Dkt. Nos. 129, 136.

The reason for the relief requested herein is two-fold. First, Plaintiff and Defendant Richard Thomas have initially agreed to take Plaintiff's deposition in mid-April. Subsequently, pursuant to the Court's March 24, 2021 Order, the Court provided the City until April 19, 2021 to serve responses to all outstanding written discovery demands. See Dkt. No. 142. Given that the Court has granted the City additional time to respond and produce documents, Plaintiff and Defendant Richard Thomas will be unable to review the City's anticipated production, or assess whether there are discovery deficiencies requiring relief, prior to holding any depositions. To be sure, it is entirely possible that the City could produce documents and information that would be relevant to the parties' depositions, as well as the deposition of the City's Mayor, Shawyn Howard-Patterson. Therefore, the requested discovery extension will permit Plaintiff and Defendant Richard Thomas to engage in motion practice concerning the City's responses to all discovery demands (if necessary), as well as conduct depositions in May after the conclusion of all outstanding paper discovery.

Second, and as the Court is aware, on March 16, 2021, Plaintiff submitted a letter motion identifying all Defendants' purported discovery deficiencies. See Dkt. No. 139. Subsequently, on March 16, and 22, 2021, respectively, Defendants provided their respective positions in response to Plaintiff's letter. See Dkt. Nos. 140-141. On March 24, 2021, the Court ordered that: (1) Defendant Richard Thomas submit the subject audio recording, Thomas\_0002, together with an *ex parte* statement, for the Court's *in camera* review; and that (2) the City Defendants provide their position regarding whether the recording

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is protected by the deliberative process privilege held by the City. See Dkt. No. 142. On March 30, and April 5, 2021, Defendant Richard Thomas delivered his *ex parte* submission for the Court's *in camera* inspection. See Dkt. No. 145. On April 2, 2021, the City Defendants also stated their position that Thomas\_0002 is protected by the deliberative process privilege. See Dkt. No. 143. Given this outstanding issue, the requested extension will allow the parties an opportunity to structure their respective depositions in accordance with any Order of the Court.

Accordingly, for the reasons stated above, the parties respectfully request that their discovery deadline be extended until June 28, 2021. In light of this submission, and to the extent that the close of discovery is extended, we further request that the Court cancel the parties' April 23, 2021 deadline to advise the Court of the status of discovery, as ordered on March 24, 2021. See Dkt. No. 142.

We thank the Court for its time and consideration of the matters discussed therein.

Respectfully submitted,

Littler Mendelson, P.C.

/s/ Daniel Gomez-Sanchez

Daniel Gomez-Sanchez  
Shirley W. Bi

Cc: Robert Kelly (Via ECF)  
*Plaintiff*

Julie Pechersky Plitt (Via ECF)  
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